

**CALENDAR ITEM**

**C72**

A 10

04/23/15

S 2

PRC 5695.1

J. Sampson

**GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE**

**APPLICANT:**

Sunhill Investments, LTD

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land located in Corte Madera Creek, adjacent to 535 Larkspur Plaza Drive, Larkspur, Marin County

**AUTHORIZED USE:**

Continued use and maintenance of an existing floating boat dock, cable anchors, gangway, and bulkhead.

**LEASE TERM:**

Ten years, beginning May 1, 2015

**CONSIDERATION:**

**Floating boat dock, cable anchors, and gangway:** \$139 per year, with an annual Consumer Price Index adjustment.

**Bulkhead:** public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests.

**SPECIFIC LEASE PROVISIONS:**

Liability insurance in an amount no less than \$1,000,000 per occurrence.

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the upland adjoining the lease premises.
2. On February 21, 2003, the Commission authorized issuance of a 10-year General Lease – Recreational Use to Sunhill Investments. That lease expired April 30, 2009. Sunhill Investments, LTD is now applying for a General Lease – Recreational and Protective Structure Use.

CALENDAR ITEM NO. **C72** (CONT'D)

3. The lease has been in holdover, but the lessee continued to pay rent on a timely basis consistent with the terms of the lease. Staff recommends starting the lease at the next anniversary on May 1, 2015.
4. During the previous lease term, the Lessee reconfigured their dock, which resulted in a smaller docking facility than the previous lease authorized. Staff has confirmed the new configuration and recommends a smaller lease area for the new lease.
5. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

**EXHIBITS:**

- A. Land Description
- B. Site and Location Map

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

**SIGNIFICANT LANDS INVENTORY FINDING:**

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

CALENDAR ITEM NO. **C72** (CONT'D)

**AUTHORIZATION:**

Authorize issuance of a General Lease – Recreational and Protective Structure Use to Sunhill Investments, LTD, beginning May 1, 2015, for a term of 10 years, for continued use and maintenance of a floating boat dock, cable anchors, gangway, and bulkhead, as described in Exhibit A and shown on Exhibit B (for reference purposes only), attached and by this reference made a part hereof; consideration for the floating boat dock, gangway, and cable anchors: \$139 per year, with an annual Consumer Price Index adjustment; consideration for the bulkhead: public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests; liability insurance in an amount no less than \$1,000,000 per occurrence.

## **EXHIBIT A**

**PRC 5695.1**

### **LAND DESCRIPTION**

A parcel of tide and submerged land situate on the right bank of the Corte Madera Creek, lying adjacent to Swamp and Overflow Survey 44, patented November 6, 1871, County of Marin, State of California, and more particularly described as follows:

All those lands underlying an existing boat dock, gangway and two (2) cable anchors adjacent to that parcel as described in that Grant Deed recorded July 27, 1984 in Document Number 84036082, of Official Records of said County.

TOGETHER WITH any applicable impact area(s).

ALSO TOGETHER WITH that land lying immediately beneath any bank protection structure lying adjacent to said parcel.

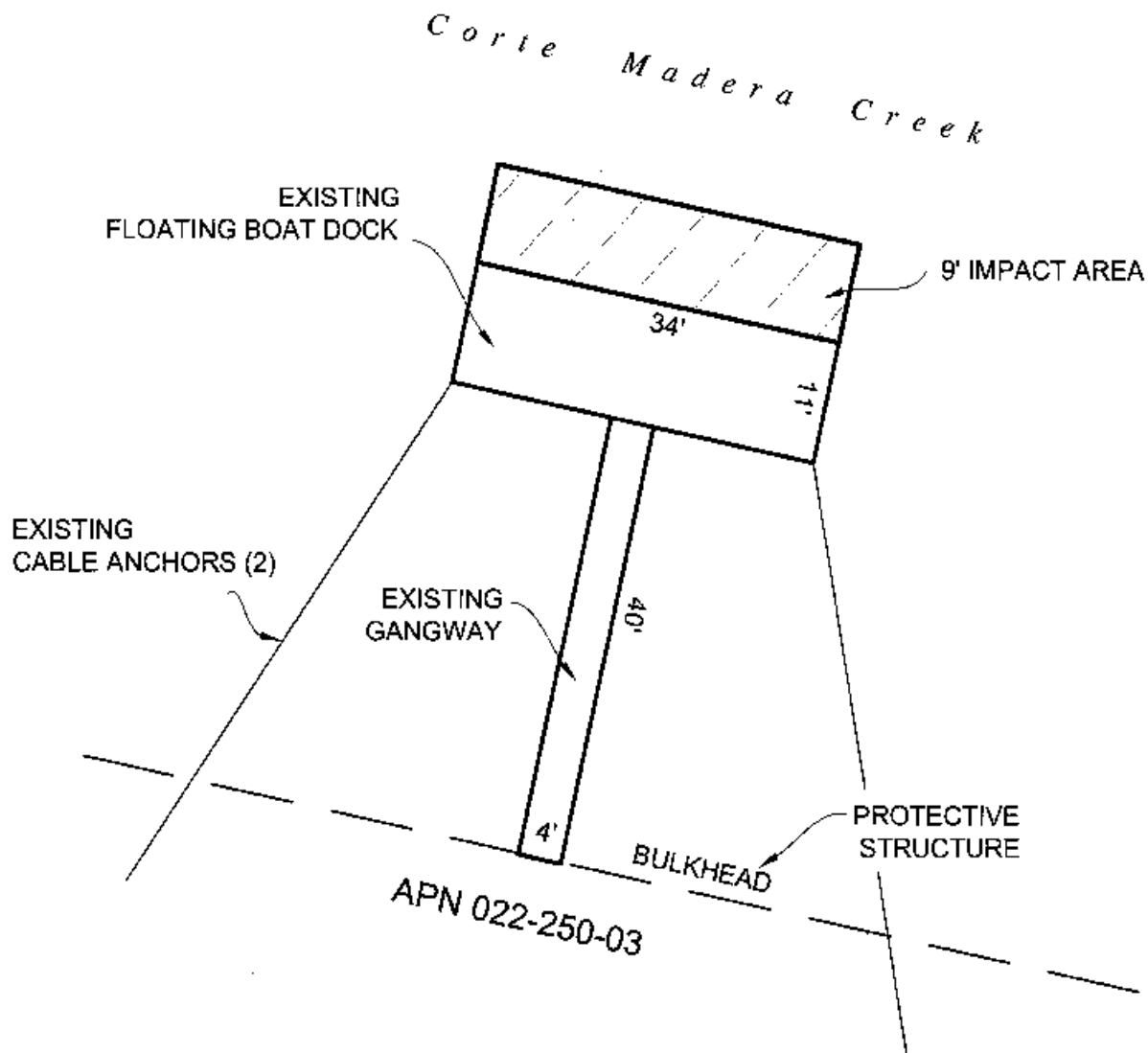
EXCEPTING THEREFROM any portion(s) lying landward of the Ordinary High Water Mark of the right bank of the Corte Madera Creek.

Accompanying plat is hereby made a part of this description.

### **END OF DESCRIPTION**

Prepared February 9, 2015 by the California State Lands Commission Boundary Unit.





## EXHIBIT A

Page 2 of 2

MJJ 3/03/2015

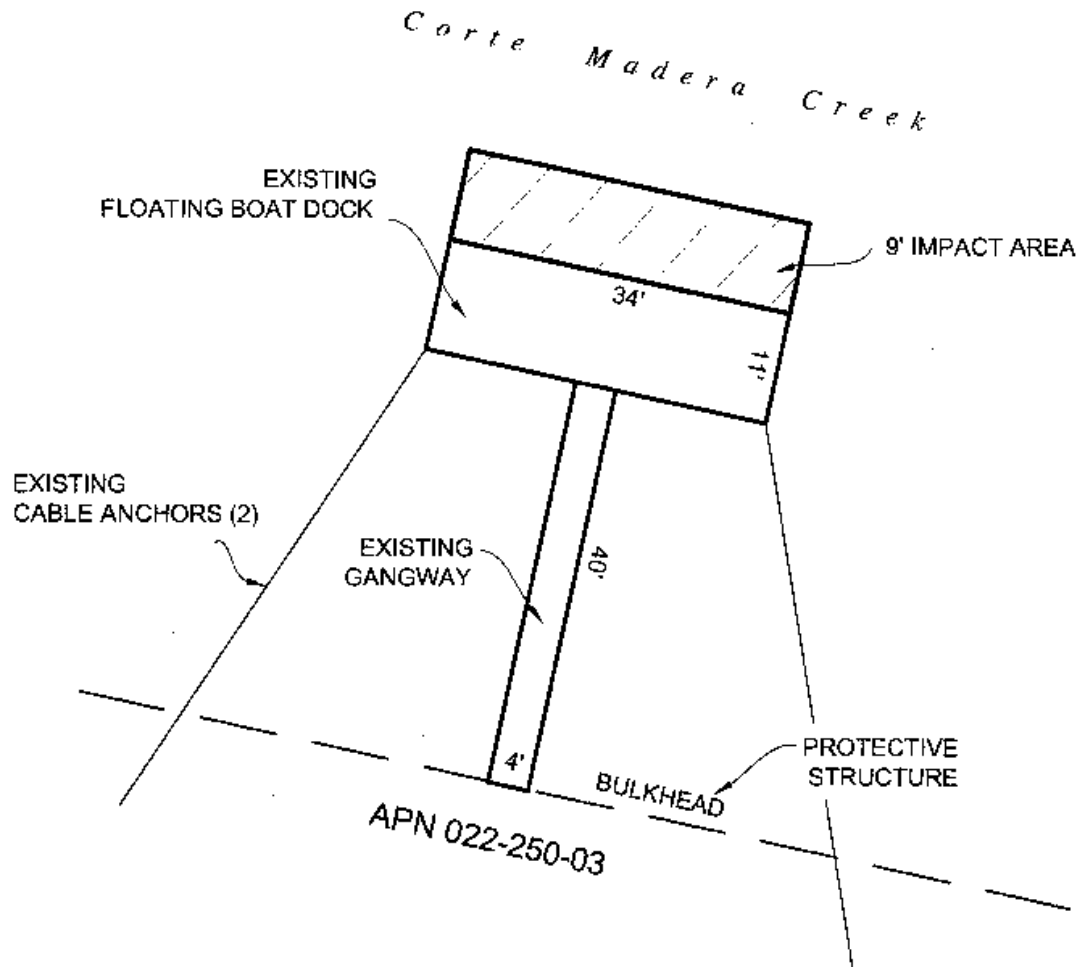
LAND DESCRIPTION PLAT  
PRC 5695.1, SUNHILL INVESTMENTS, LTD  
MARIN COUNTY

CALIFORNIA STATE  
LANDS COMMISSION



NO SCALE

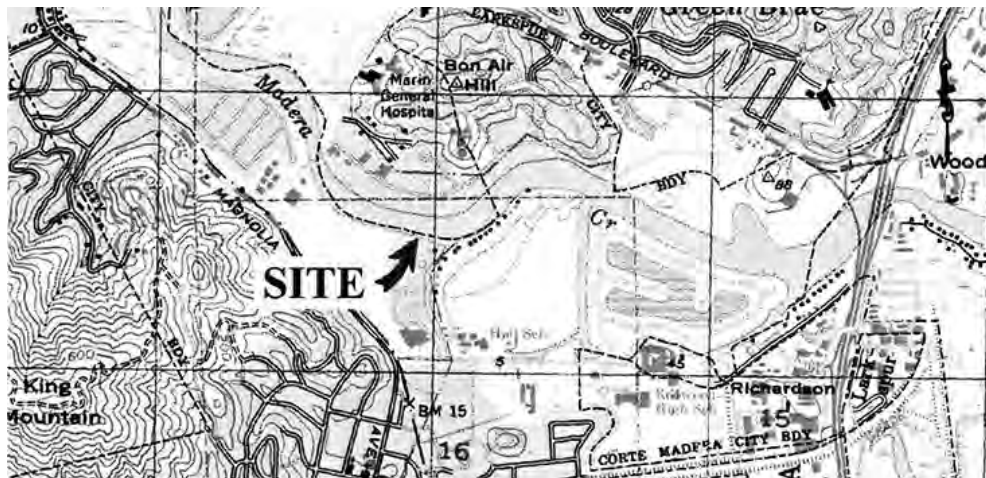
## SITE



535 LARKSPUR PLAZA, CORTE MADERA CREEK

NO SCALE

## LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

## **Exhibit B**

PRC 5695.1  
SUNHILL INVESTMENTS, LTD  
APN 022-250-03  
GENERAL LEASE -  
RECREATIONAL &  
PROTECTIVE STRUCTURE USE  
MARIN COUNTY



MJJ 3/03/2015